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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,121	03/11/2004	Andre Lavoie	028750.0026-US04	8801
26853 7590 10/17/2007 COVINGTON & BURLING, LLP ATTN: PATENT DOCKETING 1201 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20004-2401			EXAMINER LUDWIG, MATTHEW J	
			ART UNIT 2178	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,121

Applicant(s)

LAVOIE ET AL.

Examiner

Matthew J. Ludwig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the Request for Continued Examination filed 7/26/2007.
2. Claims 1-67 are pending in the application. Claims 1, 39, 58, and 60, are independent claims. Applicant added new claims 60-67.
3. Claims 1-67 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claims 1, 39, 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In reference to independent claim 1, 39, and 58, the Examiner is unclear as to what a marker is and how is it created. The specification seems to point out that a marker can be based upon time, phonemes, sections, metadata, patterns, and/or subject matter of the disclosure data, and the number markers inserted into the audio data is dependent on the user's needs. However, it is unclear what defines a 'marker'. The specification fails to clearly define what it means to insert a marker in the audio data.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen et al., USPN 6,834,371 filed (8/31/2000).**

In reference to independent claim 1, 58, and 60, Jensen teaches:

The reference provides a means of recording audio clips recorded for one or more of the created slides, either concurrently with the creation of the slide, or after the slides are completed (compare to “*security disclosure data in an audio format*”). See column 5, lines 30-38. The reference fails to explicitly state *security disclosure data*; however, the audio data-recording device would provide a proficient means for recording any kind of data coming from the author of the presentation. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the well know audio recording device taught by Jensen and record security disclosure data for a synchronized multimedia presentation.

Processor generates a link between the audio data and the corresponding screen slide, and stores that link, either with the audio clip itself, or in a separate linked file (compare to “*a processor for receiving the audio security disclosure data and for inserting a first marker*”).

See column 3, lines 52-67.

The text for each slide may be preceded by an appropriate header or the like so that a link is maintained between the text data and the particular screen like from which that text data originated (compare to “*said processor for creating a text from the audio security disclosure data and for inserting a second marker in the text in a position corresponding to a location of the first marker in the audio security information*”). See column 4, lines 40-67.

In reference to dependent claim 2, Jensen teaches:

Processor copies the text from the selected screen slides as searchable text data into the text object. An appropriate header or the like may precede the text for each slide so that a link is maintained between the text data and the particular screen slide from which that text data originated. See column 4, lines 40-56.

In reference to dependent claim 3, Jensen teaches:

Once the author has selected a particular screen slide, operation proceeds and processor receives an audio clip to be linked with that screen slide. A suitable icon is preferably displayed on the screen to alert the author that they can begin speaking the desired audio clip. See column 3, lines 52-67.

In reference to dependent claim 4, Jensen teaches:

Based on the particular tag read by the export process, corresponding meta data is retrieved from the play list object and inserted into the template, along with references to the appropriate files, for example, a slide file or the data file containing the actual text data. See column 6, lines 19-30.

In reference to dependent claim 5, Jensen teaches:

Once the slide and corresponding portion of the audio file are presented to the recipient, the presentation may be continued, sequentially from the selected slide to the end of the presentation, or operation may proceed back to query block to allow the recipient to search for another text string. See column 10, lines 44-67.

In reference to dependent claim 6, Jensen teaches:

Processor generates a link between the audio data and the corresponding screen slide, and stores that link. See column 3, lines 60-67.

In reference to dependent claim 7, Jensen teaches:

Corresponding meta data is retrieved from the play list object and inserted into the template, along with references to the appropriate files. See column 6, lines 19-26.

In reference to dependent claim 8, Jensen teaches:

The play list object includes a media object to store the audio clips, a screen slide object to store the screen images, and a text object to store the text contained in the various screen slides. The media, text, and screen objects also store timing information that defines the temporal relationships between the respective types of data. See column 4, lines 30-56.

In reference to dependent claim 9, Jensen teaches:

The play list object includes a media object to store the audio clips, a screen slide object to store the screen images, and a text object to store the text contained in the various screen slides. The media, text, and screen objects also store timing information that defines the temporal relationships between the respective types of data. See column 4, lines 30-56.

In reference to dependent claim 10, Jensen teaches:

An appropriate header or the like may precede the text for each slide so that a link is maintained between the text data and the particular screen slide from which that text data originated. See column 4, lines 40-50.

In reference to dependent claim 11-39, the claims recite similar limitations for carrying out a synchronized media presentation as claimed in 1-10. Therefore, the claims are rejected under similar rationale. Once the author has finished selecting the slides for assembly, the processor generates a playlist object corresponding to the selected slides. The playlist object is an intermediate representation of the metadata, and contains the semantic and relationship information for the content, and a self-contained entity that consists of both data and procedures to manipulate the data. The playlist object includes a media object to store the audio clips, a screen slide object to store the screen images, and a text object to store the text contained in the various screen slides. The media, text, and screen objects also store timing information that defines the temporal relationships between the respective types of data. The playlist object allows a user to manipulate the presentation and its instructions. Furthermore, the presentation is displayed to the recipient, with the slides being sequentially displayed along with any corresponding audio clips for the respective slides. In addition, a table of contents is displayed on the display and includes the title of each slide in the presentation. The titles may be selected by the recipient to advance the presentation to the corresponding slide. A time-based index into the concatenated audio file is provided, and instructions are transmitted to reposition an audio player to the appropriate point in the audio file based on the time-based relationship between the slide and the audio file. The software relies on a set of event data that contains all of the information

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relating to the timing of the presentation. Event data may include information concerning when the presentation should automatically pause or skip to a new position. See columns 9 and 10.

In reference to claims 40-57, and 59, the claims recite various descriptions of what a marker is based upon. Because the multimedia presentation taught by Jensen provides a way to record an audio file, which suggests a marker, the author has the ability to base the recording/marker on phonemes, sections, metadata, patterns, sections, patterns, letters, words, etc. This is because the maker could be the presentation itself and the playlist object includes a media object to store the audio clips, a screen slide object to store the screen images, and a text object to store the text contained in the various screen slides. The media, text, and screen objects also store timing information that defines the temporal relationships between the respective types of data. The playlist object allows a user to manipulate the presentation and its instructions. Furthermore, the presentation is displayed to the recipient, with the slides being sequentially displayed along with any corresponding audio clips for the respective slides.

In reference to dependent claim 61, Jensen teaches:

More specifically, the reference to Jensen provides a multi-media presentation system, which presents an author with blank templates, into which the desired text and/or graphical data can be entered. Audio clips can then be recorded for one or more of the created slides, either concurrently with the creation of the slide; or after the slides are completed. See column 5, lines 25-35. This specific language provides the capability for a user to create a slide in a text format, audio format, or image format, concurrently. Therefore, the text created by the user could be a verbatim transcript of audio security disclosure data and the second text could be a summary of audio security disclosure data. The type or specifics of the data is not explicitly stated within the

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reference, however, it would have been obvious to one of ordinary skill in the art to have utilized the well-known multimedia presentation slides to have provided data read from a transcript into the template to provide users with exact copies of presentations.

In reference to dependent claim 62, Jensen teaches:

Illustrated in figure 10 are multiple texts displayed in a first and second vertical portion of the display. See Jensen, figure 10.

In reference to dependent claim 63, Jensen teaches:

Figure 13 illustrates a selectable connection on at least a portion of the first text such that when the selectable connection is activated, the monitor displays a corresponding portion of the summary data. See Jensen, figure 13.

In reference to dependent claim 64-67, Jensen teaches:

The reference to Jensen provides a multi-media presentation system, which presents an author with blank templates, into which the desired text and/or graphical data can be entered. Audio clips can then be recorded for one or more of the created slides, either concurrently with the creation of the slide, or after the slides are completed. See column 5, lines 25-35. This specific language provides the capability for a user to create a slide in a text format, audio format, or image format, concurrently, and does not limit the makeup of the data entered into the presentation slides.

Response to Arguments

8. Applicant's arguments filed 7/26/2007 have been fully considered but they are not persuasive.

Applicant argues on page one of the remarks section that the primary reference fails to explicitly state 'security disclosure data'. Applicant believes that the systems and methods taught by Jensen are substantially different applications. The Examiner would like to remind applicant that the claims must be given their broadest reasonable interpretation consistent with the specification, as it would be interpreted by one of ordinary skill in the art. The Examiner strongly believes the multimedia presentations taught by Jensen provides a suggestion of the claimed limitations, as presently claimed.

More specifically, the reference to Jensen provides a multi-media presentation system, which presents an author with blank templates, into which the desired text and/or graphical data can be entered. Audio clips can then be recorded for one or more of the created slides, either concurrently with the creation of the slide, or after the slides are completed. See column 5, lines 25-35. This specific language provides the capability for a user to create a slide in a text format, audio format, or image format, concurrently. The newly added claim language found within the independent claim attempt to distinguish over the reference to Jensen by requiring audio data to be received at a *first time* and text from the audio data at a *second time subsequent to the first time*. The above-mentioned language fails to overcome the prior art reference because the reference provides an author with the capability to create a presentation slide without a required order. The text, audio, or visual data formats suggest at least two aligned formats.

The reference to Jensen provides a method for creating multimedia presentations. The type of data included in the multimedia presentation is not explicitly stated in the reference, however, the elements of the multimedia presentation provide for the intended use of the claimed invention. The author of the multimedia presentation would have the ability to supply the templates provided, with security disclosure data, sports related data, and business related data, without having to change the primary function of the multimedia presentation device.

Regarding the argument presented on page 2 of the remarks section, the applicant states the word '*from*' in claims 1 and 39 of the present application, indicates a time aspect or temporal nature. The reference to Jensen is also based upon temporal relationships between respective types of data. Furthermore, once the author has finished selecting the slides for assembly, the processor generates a playlist object corresponding to the selected slides. The playlist object is an intermediate representation of the metadata, and contains the semantic and relationship information for the content, and a self-contained entity that consists of both data and procedures to manipulate the data. The playlist object includes a media object to store the audio clips, a screen slide object to store the screen images, and a text object to store the text contained in the various screen slides. The media, text, and screen objects also store timing information that defines the temporal relationships between the respective types of data.

Applicant argues on page 16 of the amendment that Jensen fails to suggest text that is a "summary" of audio data, or discloses or suggests inserting markers based on "phonemes" as recited in claims 23, 36, and 40. The dependent claims are written in alternative form. Therefore, the Examiner rejects the claims using 'time'. More specifically, the reference to Jensen provides a multi-media presentation system, which presents an author with blank templates, into which

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the desired text and/or graphical data can be entered. Audio clips can then be recorded for one or more of the created slides, either concurrently with the creation of the slide, or after the slides are completed. See column 5, lines 25-35. This specific language provides the capability for a user to create a slide in a text format, audio format, or image format, concurrently, and is temporal in design. Therefore, the reference provides markers to distinguish specific features of the multimedia presentation.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML

A handwritten signature in black ink, appearing to read 'Stephen Hong', with a stylized, looped design.

STEPHEN HONG
SUPERVISORY PATENT EXAMINER